

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ANNIE BELL LAMBERT,)
)
Plaintiff,)
)
vs.) **CASE NO. 1:08-cv-80-MEF**
)
WINN-DIXIE STORES, INC.,) **Formerly in the Circuit Court of**
)
Defendant.) **Houston County, AL.**
) **Case No. 08-90008-L**

PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

Comes Now the Plaintiff and respectfully requests leave to amend her Complaint in accordance with Fed. R. Civ. P. 16(b) and 15(c)(1)(C). As ground therefore, Plaintiff states the following:

1. Plaintiff seeks only to change the title of her Complaint to more accurately reflect the name of Defendant.
2. Plaintiff's leave will require no further modification of this Court's Scheduling Order.
3. Plaintiff's counsel has, in a timely manner, previously contacted counsel for all other parties and, based on that contact, Defendant has opposed a change in the Scheduling Order.
4. Plaintiff explains her good cause for amending her Complaint in her Brief in Support of Plaintiff's Motion for Leave to Amend Complaint filed contemporaneously herewith.

This motion is based upon the pleadings filed to date, Plaintiff's Brief In Support Of Motion For Leave To Amend Complaint, Plaintiff's Response To Defendant's Motion for Summary Judgment and Plaintiff's Brief In Opposition to Defendant's Motion For Summary Judgment filed contemporaneously herewith.

Respectfully submitted on this the 4th day of August, 2008.

**COCHRAN, CHERRY, GIVENS,
SMITH, LANE & TAYLOR, P.C.**

/s/ Jake A. Norton

Jake A. Norton, Esq. (NOR067)
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Dothan, AL. 36301

CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of August, 2008, served a copy of the foregoing upon counsel of record by filing the same with the Clerk of Court via CM/ECF or by U.S. MAIL, postage prepaid:

M. Warren Butler
Scott D. Stevens
Starnes & Atchison, LLP
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Mobile, Al. 36633

/s/ Jake A. Norton

Of Counsel